

Topsfield Planning Board

August 6, 2013

Chairman Morrison called the meeting to order at 8:00 PM at the Town Library. Board members present were Martha Morrison, Jeanine Cunniff, Joseph Geller and Steven Hall. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Jill Mann, Jeffrey Garber, Larry Beals, Gregory St. Louis, Gary Patch, Carl Farris, Frank Iovanella, Michael Walsh, Jim Wilkinson, Richard Kosian, James MacDowell, Darlene Farris, Daniel Ludmar, Don Borenstein, Kathryn Morin.

Tri-Partite Agreement/The Meadows: Attorney Jill Mann representing the New Meadows Development LLC reviewed the Tri-Partite Agreement with the Board noting that the only change to the agreement is that the funds would not be held in a passbook since the Bank no longer issues passbooks. The funds are to be held as a reserve credit. She also reviewed the modifications to the site plan as revised by the Board at the July 16th meeting and reflected in the Amendment to the Certificate of Decision approved at said meeting and which the members signed at this time.

Member Joseph Geller made the motion to approve the Tri-Partite Agreement between New Meadows Development LLC, North Shore Bank and the Topsfield Planning Board as presented; the Chair to sign; seconded by Clerk Steven Hall; so voted 4-0.

120 High Street Lot 1(124 High): At 8:15PM, Chairman Morrison called to order the continued public hearing given in accordance with M.G.L.c.40, § 15C to consider the Special Permit application of Montana Development LLC by Frank Iovanella to widen the existing stonewall opening from 12 feet to 18 feet in order to construct a driveway for a new single family home on Lot 2 at 120 Hill Street, a designated scenic road.

Project Engineer James MacDowell, representing the Applicant Montana Development LLC, reviewed the plan and application with the Board to widen the existing opening in order to construct a driveway for a single family home. No Town trees would be removed and the stones would be used to repair the existing wall. He noted that David Bond, Tree Warden, requested that the driveway be moved slightly north due to a utility pole.

Upon review of the application and documentation, the Board made the appropriate finding to grant a special permit. Clerk Steven Hall made the motion approve the application to widen the opening from 12 feet to 18 feet for a driveway as shown on the site plan dated May 12, 2013 subject to David Bond's guidelines; seconded by Member Jeanine Cunniff; so voted 4-0.

120 High Street Lot 1 (124 High): At 8:25PM, Chairman Morrison call to order the continued public hearing to consider the application of Montana Development LLC by Frank Iovanella for 120 Hill Street, Lot 1 (124 Hill Street) pursuant to the Topsfield General By-laws, Chapter 51, Storm Water Management And Erosion Control for a stormwater management permit for the construction of a single family dwelling, septic system and driveway.

Project Engineer James MacDowell, representing the Applicant Montana Development LLC, reviewed the plan and application with the Board. He informed the Board that due to issues raised by the Conservation Commission and comments by the neighbors relative stormwater run-off additional soil testing was performed. He did not see any evidence of a fragipan and the soils found were loamy and sandy. The recharge for the property is located in the front of the house consisting of 8 cultec chambers for the house and 2 basins for the driveway. David Bond, Stormwater Coordinator, requested a plunge pool to be installed to slow down the water flow into the culvert along Hill Street.

Upon review of the application and documentation, the Board made the appropriate findings to grant a special permit. Clerk Steven Hall made the motion to approve the Stormwater Management Permit subject to the installation of a plunge pool and per the presented amended plan dated July 25, 2013; seconded by Member Jeanine Cunniff; so voted 4-0.

Hickory Lane Roadway Modification Update: At this time, Chairman Morrison opened the discussion to consider the proposed roadway modifications to Hickory Lane in front of Lot 4 in order to address the drainage issue which has deteriorated the grass strip and roadway. Project engineer Larry Beals discussed the latest proposed engineering modification which took into consideration the overall sub-division drainage issues along Hickory Lane and incorporating the hydraulics for each lot. He reviewed a detailed engineering plan to address the deterioration of the the swale along Hickory Lane, the flow of stormwater run-off, and the grading easements for the individual lots. Work on the improvements is expected to commence as of September 1, 2013 and completed by October 1, 2013. Highway Superintendent David Bond would review the plan and work with Larry Beals on the issues.

Peer Review Engineer Richard Kosian noted there is an interdependency of the entire drainage system within the development. The roadway infrastructure must be functioning for the individual lot drainage systems to work properly.

Member Jeanine Cunniff made an initial motion which later was withdrawn based on the discussion that followed. Resident Mike Walsh noted that the owners of Lot 8 had experienced stormwater run-off problems from abutting lot (now owned by Patch Development). Mr. Beals noted that developer Gary Patch would construct the swales on Lots 10 & 11 according to the plans as a first priority. Mr. Kosian recommended to the Board that during the construction of the roadway drainage modifications that the design engineer provide supervision. Mr. Wilkinson noted the pipes on Lot 5 now draining into

the swale in front of lot 5 and questioned whether these pipes and any other extraneous would over tax the swale along the roadway.

The Board then gave Mr. Beals a formal directive via a motion made by Member Jeanine Cunniff that the construction of the swales should commence by September 1, 2013 and be completed by October 1, 2013; supervision by the design engineer; communication with individual owners for information on pipes on the private lots draining into the infrastructure and shown on separate lot plans; swales to be grassed; seconded by Clerk Steven Hall; so voted 4-0.

12, 17 & 19 Hickory Lane/ SWEC: At 9:00PM, Chairman Morrison called to order the continued public hearing to consider the application of Patch Development LLC for 12, 17 & 19 Hickory Lane (Lots 4, 10 & 11) pursuant to the Topsfield General By-laws, Chapter 51, Storm Water Management And Erosion Control for a stormwater management permit for the construction of a single family dwelling, septic system and driveway for each lot.

Lots 10 & 11: Peer Review Engineer Richard Kosian addressed the Board relative to the Peer Report, Lots 10 and 11 Hickory Beech Subdivision, dated July 18, 2013 and the supplemental Peer Review Report dated August 5, 2013. He informed the Board that all engineer comments made in the July 18th report had been adopted by the design engineer in the revised plan and noted in the August 5th report. Due to the proximity of the foundations for the residential homes to the buffer zones, Mr. Kosian noted that any infringement into the buffer zones would require a filing with the Conservation Commission. Moreover, since there are overlapping issues, he recommended that a condition of the permit would be that the design engineer be required to make site visits during construction. He then reviewed the list of recommended conditions as referenced on page 12 of the August 5, 2013 Supplemental Peer Review entitled "Recommendations for the Conditions for the Permit to be Issued by the Board", listing 10 conditions. An eleventh conditions was added that there be supervision by the design engineer.

Lot 4: At this time, Chairman Morrison initiated the discussion relative to Lot 4. Ms. Morrison noted that the house and driveway have flipped due to the setbacks on the plan presented to the Board; however, the Inspector of Buildings has a different plan. Moreover, the spillway is not actually located as shown in the recorded plan. Further, the Planning Board never approved the change of location. It needs to be verified that it is working properly, if not better, in its current location.

Larry Beals, the Applicants representative, noted the location of the proposed dwelling on Lot 4 and that the current location of the spillway was closer to the road and swale than shown on the original definitive plan. He informed the Board that David Bond requested that the elevation be checked for the spillway and that the Building Inspector would need a new recorded plan in order to issue a building permit for the dwelling.

Peer review engineer Rich Kosian reviewed the open drainage system with the Board noting that the water flows overland to streets to wetlands for a 100 year storm. The outlet for the detention pond would need to be at the right elevation at the driveway. He recommended that a surveyor pick-up the elevation of the spillway and to verify that it is still within the drainage easement and access and utility easement. The Board continued the discussion relative Meeting Way Corporation providing an amended plan for the spill way and verification of the elevation by providing an as-built plan. Also, the applicant would need to provide a revised plan for Lot 4 showing the house in the right location and the easement.

Upon review of the application, site plan and documentation, the Board made the appropriate finding to grant a special permit for Lots 10 and 11. Clerk Steven Hall made the motion to approve Stormwater Management Permits for 17 & 19 Hickory Lane per application submitted on June 3, 2013 and revised plans dated July 29, 2013 subject to the peer review recommended ten (10) conditions referenced in the August 5, 2103 Peer Review Report with the added eleventh condition that the design engineer make site visits at critical points in the construction; seconded by Member Joseph Geller; so voted 4-0.

Clerk Steven Hall then made the motion to continue the public hearing for stormwater and erosion control for Lot 4 (12 Hickory Lane) to the September 4, 2013 meeting; seconded by Member Jeanine Cunniff; so voted 4-0.

125 Boston Street/75 Salem Road Common Driveway: Chairman Morrison called to order the public hearing to consider the application of 77 Salem Road LLC for premises located at 125 Boston Street and 75 Salem Road requesting a special permit pursuant to Article IV, Section 4.07J of the Topsfield Zoning By-law for the use of the existing gravel driveway at 75 Salem Road as a common driveway to access 125 Boston Street from Salem Road. Member Jeanine Cunniff made the motion to continue the public hearing to September 4, 2013; seconded by Clerk Steven Hall; so voted 4-0.

Medical Marijuana Zoning: Chairman Morrison informed the members that the Town of Ipswich recently passed a zoning amendment concerning the use of medical marijuana treatment centers within the Town. Ipswich chose to create a special zone for said clinics. Kopelman and Paige has also issued a memorandum on the matter and that she was doing research concerning the agricultural component of the state rules and regulations as how this may relate to Topsfield's zoning districts with agricultural uses. The Planning Board will need to make a recommendation at the 2014 ATM since the Moratorium will lapse in 2014.

English Common Walking Trail: Member Joseph Geller noted that he has been trying to get in touch with Alan Berry, but has received no response.

The meeting was adjourned at 10:49 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator